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8	Attorneys for United States of America	
9	·	
10	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	IDUTED STATES OF ALSENICA	
14	UNITED STATES OF AMERICA, )	No, CV 08-3093 WHA
15	Plaintiff, )	
16	v. ) ) 3. REAL PROPERTY AND )	STIPULATION TO CONTINUE CASE
17	IMPROVEMENTS IDENTIFIED BY MENDOCINO COUNTY APN 051-180-09,)	MANAGEMENT CONFERENCE and
18	051-180-10, et. al,	[PROPOSED] ORDER
19	Defendants.	CMC Date: 16, 2010 Time:11:00 a.m.
20	Paul Sayers, Graeson Prescott, Diana	Courtroom 11, 19 <sup>th</sup> Floor
21	Mendes	
22	Claimants. )	
23	)	
24	Plaintiff, United States of America and claimants, Graeson Prescott and Paul Sayers,	
25	by and through their respective attorneys, respectfully submit this request to continue the Case	
26	Management Conference currently set for December 16, 2010. The parties stipulate and request a	
27	continuance for the reason set forth below.	
28	The court was previously advised that claimants Prescott and Sayers have entered into	

plea agreements in a related criminal case in which they have agreed to forfeit one of the defendant 1 properties to which they filed a claim in this civil forfeiture action (real property and improvements 2 3 identified as APN # 051-180-09). The parties have also agreed to a proposed settlement in this civil forfeiture action. A copy of the proposed settlement agreement between the United States and 4 claimants Prescott and Savers is attached hereto as Exhibit A. The parties anticipated the settlement 5 agreement would be presented to the court on or before December 9, 2010. However, on December, 6 8, 2010, counsel for the United States and claimants Prescott and Sayers discovered that there is not 7 8 a seperate legal description for the specific parcel (APN #051-180-09) that claimants Prescott and 9 Sayers have agreed to forfeit. The only legal description available combines APN #051-180-09 and 10 APN #051-180-10. The legal description of both parcels appears to have been combined when Mendocino County renumbered the parcels. Without a specific legal description of the property to 11 be forfeited, an order of forfeiture can not be entered in this case. Accordingly, the United States has 12 requested the United States Marshal's Service to obtain a seperate legal description of APN # 051-13 180-09. The Marshal's Service is expediting this request, but is not able to provide a specific date 14 15 when the new legal description will be available because a survey may be necessary. 16 December 16, 2010, be continued for 30 days to allow the United States Marshal's to obtain a legal 17 18

The parties respectfully request that the case management conference set for description of APN #051-180-09. If the legal description becomes available before that date, the parties will submit the attached settlement agreement for the Court's approval and the case, as it pertains to claimants Prescott and Sayers, will be over.

Claimant Diana Mendes dose not object to the continuance.

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DATED: December 8, 2010

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/S/ Susan B. Gray

SUSAN B. GRAY

Assistant United States Attorney

DATED: December 8, 2010 /S/ Eugene Denson

**EUGENE DENSON** 

Attorney for Graeson Prescott

Stipulation Re: CMC No. CV 08-3093 WHA

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DATED: December 8, 2010

/S/ Ann Moorman

ANN MOORMAN
Attorney for Claimant Paul Sayers

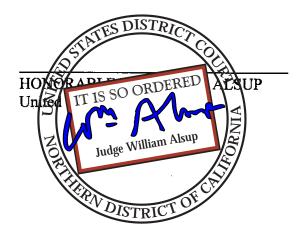
DATED: December 8, 2010

/S/ Jonathan Howden
JONATHAN HOWDEN
Attorney for Claimant Diana Mendes

## [PROPOSED] ORDER

BASED ON THE FOREGOING STIPULATION, THE CASE MANAGEMENT CONFERENCE SCHEDULED FOR DECEMBER 16, 2010, AT 11:00 A.M. IS CONTINUED TO January  $^{27}$ , 2011 AT  $^{11:00}$  am .

IT IS SO ORDERED



Stipulation Re: CMC No. CV 08-3093 WHA